

REMARKS

This Response to Office Action is submitted in reply to the Office Action of May 22, 2006. Claims 1, 6, 8, 9, 14 to 16, 18, 21, 23, and 25 have been amended. Claims 5 and 13 stand cancelled without prejudice or disclaimer. No new matter has been added by these amendments.

A Request for Continued Examination, a Petition for a Two-Month Extension of Time to file this Response and a Supplemental Information Disclosure Statement are submitted herewith. Please charge deposit account number 02-1818 for the costs of the RCE, Extension of Time and Supplemental Information Disclosure Statement.

The Office Action rejected Claims 1 to 4, 6 to 12, and 14 to 25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 33 of U.S. Patent No. 6,599,185 to Kaminkow et al. ("Kaminkow"). A Terminal Disclaimer is submitted to overcome these rejections over U.S. Patent No. 6,599,185. Accordingly, Applicant respectfully request that Claims 1 to 4, 6 to 12, and 14 to 25 are now in condition for allowance.

The Office Action rejected Claims 1 to 4, 6 to 12, and 14 to 25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,173,955 to Perrie et al. (hereafter Perrie). Applicant respectfully disagrees with and traverses these rejections for at least the reasons discussed below.

Perrie discloses a gaming machine having a poker dice game. (Abstract). In Perrie, a player attempts to build a winning combination of dice based on a poker payable. (Table I). A player relies on skill to determine what dice to hold or re-roll to accumulate a winning combination. (Column 4, lines 50 to 62). More specifically, Perrie discloses that the poker dice game includes the steps of:

placing a wager; rolling the dice; holding none, any, or all of the rolled dice; ending the casino poker dice game when the dice are all held or when re-rolling occurs Y times; paying any winning combinations of symbols based on the placed wager and in response to the step of ending the game; re-rolling the non-held

dice when less than all the X dice are held; and
repeating various of these steps until the game ends.
(Column 3, lines 2 to 9).

Thus, Perrie discloses a game using a poker concept of holding none, any or all of the rolled dice to enable a player to achieve a winning combination.

Perrie also discloses another version of the above discussed poker dice game where the player must avoid obtaining a losing hand from the rolled dice to continue game play. (Column 21, line 40 to Column 22, line 46). The gaming machine provides the player with a number of six sided dice. A player plays a predetermined number of $Z=n$ hands. Each Z hand allows the player to roll and re-roll the dice a predetermined number of $Y=n$ times. During each Z hand, the player may hold none, any or all of the dice. When the player has re-rolled the dice $Y=n$ times or the player has held all of the dice, the gaming machine determines if the player achieved a winning hand. The gaming machine compares the visible dice face to combinations in a payoff table. The game ends if the player does not obtain a winning combination in the Z hand, such as displayed in Table VII. If the player obtains a winning Z hand, the winning combination translates into an award such as disclosed in Table VII. The award is accumulated in an award meter and the game increments to the next $Z=Z+1$ hand. The game ends when the player reaches the $Z=n$ hand or when a Z hand does not create a winning outcome.

Amended independent Claim 1 is directed to a gaming device including a display device, an input device and a processor in communication with the display device and the input device. The processor is programmed to cause a plurality of masked selections to be displayed to a player by the display device, associate a plurality of different values with the masked selections prior to the masked selections being picked by the player and without displaying which values are associated with which selections, and enable the player to pick a plurality of the masked selections for a designated number of sets, the designated number being at least two. The processor is also programmed to form the designated number of sets of a plurality of the values, each set determined by the player picking a plurality of the selections for the set, wherein the plurality of values in each set are based on the values associated with the selections

picked by the player for the set. The processor is further programmed to cause a display of each of the sets and the values in each set, generate at least one award by selecting at least one but not all of the plurality of values in each one of the sets, and provide the award to the player.

Applicant respectfully submits that Perrie does not expressly or inherently disclose a gaming device that includes a processor programmed to associate a plurality of different values with the masked selections prior to the masked selections being picked by the player and without displaying which values are associated with which selections, and enable the player to pick a plurality of the masked selections for a designated number of sets, the designated number being at least two. Applicant further submits that Perrie does not expressly or inherently disclose a gaming device that includes a processor programmed to cause a display of each of the sets and the values in each set, generate at least one award by selecting at least one but not all of the plurality of values in each one of the sets, and provide the award to the player.

The Office Action states that Perrie discloses:

d. At least one set of a plurality of said values determined and displayed by enabling the player to pick a plurality of said selections, wherein the plurality of values (faces) in the set (e.g. X=6 dice values) are based on the values associated with the selections picked by the player; and

e. At least one award generated by the processor by selecting at least one but not all of the plurality of values of the set, wherein said award is provided to the player by the processor (e.g. an outcome of 3-of-a-King pays 4:1, see at least Table 1).

In other words, the Office Action equates numbers on Perrie's dice face to selected values from independent Claim 1.

Applicant respectfully disagrees that numbers on Perrie's die face are equivalent to selected values from independent Claim 1 because Perrie's die face numbers are merely symbols. In Perrie's poker dice game, the gaming machine examines numbers on the dice face on the final roll of a hand or when a player holds all of the dice. The combination of numbers on the dice face are compared to a predetermined list of number combinations. If one of the predetermined number combinations appears on

the faces of the dice, the player obtains an award associated with the combination of numbers. For instance, where a final roll of the dice produce a dice face number combination of 5, 5, 4, 4, 5, the combination is equivalent to a full house combination. The full house combination translates into an award of 12 according to Table VII. (Column 21). Other awards in Perrie are similarly formulated by matching a number combination on the dice face to a predetermined number combination found in a payable. The die face numbers are thus merely symbols rather than values because Perrie's awards are always produced based on a combination of numbers that appear on the dice face. As such, none of the numbers on the dice face in Perrie are ever selected and provided to a player as an award. On the other hand, the gaming device of amended independent Claim 1 includes at least one award generated by selecting at least one but not all of the plurality of values in each one of the sets, wherein the sets are determined by the player picking a plurality of the selections for the set, wherein the plurality of values in each set are based on the values associated with the selections picked by the player for the set.

Moreover, unlike the gaming device of amended independent Claim 1, the gaming device of Perrie does not disclose a processor programmed to associate a plurality of different values with the masked selections prior to the masked selections being picked by the player and without displaying which values are associated with which selections, and enable the player to pick a plurality of the masked selections for a designated number of sets, the designated number being at least two. Furthermore, unlike the gaming device of amended independent Claim 1, the gaming device of Perrie does not disclose a processor programmed to cause a display of each of the sets and the values in each set, generate at least one award by selecting at least one but not all of the plurality of values in each one of the sets, and provide the award to the player. On the other hand, the gaming device of amended independent Claim 1 includes a processor programmed to associate a plurality of different values with the masked selections prior to the masked selections being picked by the player and without displaying which values are associated with which selections, enable the player to pick a plurality of the masked selections for a designated number of sets, the designated

number being at least two, cause a display of each of the sets and the values in each set, generate at least one award by selecting at least one but not all of the plurality of values in each one of the sets, and provide the award to the player. For at least these reasons, it is respectfully submitted that amended independent Claim 1 is patentably distinguished over Perrie and in condition for allowance.

Claims 2 to 4 depend directly from Claim 1 and are also allowable for the reasons given with respect to independent Claim 1, and because of the additional features recited in these claims.

Similar to amended independent Claim 1, independent Claims 6, 8, 9, 14, 15, 16, 18, 21, 23 and 25 are each directed to a gaming device which includes, amongst other elements, a processor programmed to enable the player to pick a plurality of the masked selections for a designated number of sets, the designated number being at least two, display of each of the sets and the values in each set and generate at least one award by selecting at least one but not all of the plurality of values in each one of the sets. As described above, Perrie does not disclose a gaming device including a processor programmed to enable the player to pick a plurality of the masked selections for a designated number of sets, the designated number being at least two, display of each of the sets and the values in each set and generate at least one award by selecting at least one but not all of the plurality of values in each one of the sets. For this reason and the additional reasons given with respect to amended independent Claim 1, Applicant respectfully submits that amended independent Claims 6, 8, 9, 14, 15, 16, 18, 21, 23 and 25 are patentably distinguished over Perrie and in condition for allowance.

Claims 7, 10, 12, 17, 19 to 20, 22 and 24 depend directly or indirectly from amended independent Claim 8, 9, 16, 18, 21 and 23 respectively and are allowable for the reasons given with respect to these independent claims and because of the additional features recited in these claims.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art, such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant

respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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Dated: October 23, 2006